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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,047	01/29/2001	Jennie Ching	1501P/BC999066	7262

7590 02/22/2006
SAWYER LAW GROUP LLP
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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,047

Applicant(s)

CHING ET AL.

Examiner

KIEU-OANH T. BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Claims 1-47 were canceled. Pending claims are new claims 48-81 (similar limitations of original claims 1-47) are added. Please note that this revised amendment is simply based on the original (already rejected) claims, not on the merit of the revised amendment on June 10, 2005.

Response to Arguments

2. Applicant's arguments with respect to claims 48-81 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 48-49, 61, and 71 are rejected under 35 U.S.C. 102(e) as being anticipated by Peled et al. (US 2002/0016831 A1).

Regarding claims 48-49, 61 and 71, Peled discloses “a method for object retransmission without a continuous network connection in a digital media distributor system, the method comprising the steps of: transmitting a plurality of objects from a central site to each of a plurality of receivers in a zone; receiving a response document from each of the plurality of receivers, each response document being asynchronously transmitted from the respective receiver to the central site; and determining which of the plurality of objects to retransmit to the receiver based upon the response documents”, i.e., user 102 or receiver 102 receives a plurality of offering products and services from vendor 101 via a central site ISP 107 (Fig. 1), yet he/she chooses or selects to order only a preferred item(s) or object(s) from the vendor, and the user's request is responded by the vendor based on the requested object or item, see page 1, par. 0009-0011, page 7/par. 0187-0189). Peled further discloses “determining which objects to retransmit to a zone, the zone including a plurality of receivers; and determining which objects to retransmit to the receiver”, i.e., contents are delivered to the users based on geo-location of the users for different regions to satisfy the needs of the users-a plurality of receivers, see page 1, par. 0009-0010).

Claim Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 50-60, 62-70, and 72-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peled et al. (U.S. Patent Pub No. 2002/0016831 A1) in view of Allen et al. (U.S. Patent No. 5,892,535).

As for claim 50, Peled does not further including the step of “wherein the plurality of objects further comprises asset files and system support files, wherein the asset files are media files and the system support tiles further include an upcoming playlist”; however, this technique is taught by Allen as Allen provides a distribution network for media delivery to different zones, and the system determines which objects to retransmit to a zone, which comprises a plurality of receivers, and plurality of objects further comprises asset files and system support files, wherein the asset files are media files and the system support tiles further include an upcoming playlist (refer to Allen, Figs. 2, 11b & 15 for zone 1414, and col. 10/lines 15-42, col. 11/line 45 to col. 12/line 30 for media files, server, distribution to users; and col. 32/lines 10-21 for a playlist addressed). Therefore, it would have been obvious to one of ordinary skill in the art to modify Peled’s system with Allen’s teaching features as noted in order to provide a system and a method for determining in redistribution from the central server to the receivers according to zones and

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based mainly in asset files and system support files, wherein the asset files are media files and the system support tiles further include an upcoming playlist as preferred.

As for claims 51-57, these steps simply refer to the scheduling process wherein the media file is being requested, compared against the inventory, making lists for redistribution, checking any missing files within the receiver for delivering processes, and generating log or list of delivered files (refer to col. 39/line 42 to col. 43 line 10 for scheduling and verification, checking processes addressed).

As for claims 58-60, in further view of claim 50, Allen further teaches to include a content file list, and the Content File List listing a receiver's inventory of objects, with further steps managing the inventory as purge list and content file list to an inventory of objects in and not in the zone (Figs. 15-16, and col. 39/line 30 to col. 40/line 64 for scheduling processes in maintaining the inventory of objects within local receivers and within the database server).

Response to Arguments

7. Applicant's arguments filed on 12/6/05 have been fully considered but they are not persuasive.

Through out the arguments, Applicants' representative mainly focus on the issue that Peled and Allen do not suggest and/or include the term "retransmit" in the references, but he seems to forget the fact that both Peled and do not need to use that term to describe their invention and technique therein because the term "retransmit" (or retransmission) simply describes the step of responding or complying with the requests of the users based upon the offering of products/services to present firstly at the user receiver or device. In other words, as disclosed above, as stated in claim 48, user 102 or receiver 102 receives a plurality of offering products and services from vendor 101 via a central site ISP 107 (Fig. 1) as a first transmit/transmission, yet he/she chooses or selects to order only a preferred item(s) or object(s) from the vendor, and the user's request is responded by the vendor based on the requested object or item, see page 1, par. 0009-0011, page 7/par. 0187-0189). The underlined points out that the user's requests is being responded –meaning the system has to "retransmit" the requested items/services (which selected by the users), and that step is being considered to "retransmit" to each of the receiver based upon the received response documents.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
Feb. 16, 2006